



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,514	11/15/2001	Yoad Gidron	M09/4	7280

7590 11/04/2005
D'vorah Graesar
c/o Anthony Castorina
2001 Jefferson Davis Highway
Suite 207
Arlington, VA 22202

EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2645

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,514

Applicant(s)

GIDRON ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 17, 2005 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1-15 and 17-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US 6,496,979 B1).

Regarding **claim(s) 1**, Chen discloses a method for provisioning a user application by a content provider for delivery to a range of limited resource devices

Art Unit: 2645

through an integrated platform (FIG. 1, column 1, lines 14-20 and column 2, lines 60-67), comprising:

creating the user application by the content provider (FIG. 1 and column 5, lines 5-11);

submitting the user application to the integrated platform by the content provider (FIG. 1 and column 5, lines 5-11);

examining the user application by the integrated platform to validate the user application against predefined requirements and to determine which of plurality of predetermined limited resource devices the user application is compatible with (FIG. 5 and column 8, lines 23-40);

if the user application is accepted, publishing the user application by the integrated platform and enabling only those limited-resources devices found to be compatible with the user application, to download the user application (FIG. 5 and column 8, lines 55-61).

Regarding **claim(s) 2**, Chen discloses the limited resource device is a wireless communication device (column 4, lines 5-9).

Regarding **claim(s) 3**, Chen discloses the limited resource device is a cellular telephone (column 4, lines 5-9).

Regarding **claim(s) 4**, Chen discloses publishing the user application includes adding the user application to a content directory, such that the user application forms a node of the content directory (column 5, lines 5-11).

Regarding **claim(s) 5**, Chen discloses the content directory is divided into a plurality of categories, and the user application is added to the content directory according to at least one category (column 8, lines 23-40).

Regarding **claim(s) 6**, Chen discloses a user browses for a user application according to the category (column 8, lines 23-40).

Regarding **claim(s) 7**, Chen discloses the user application is reached through a plurality of paths in the content directory, such that the user application is shared by a plurality of categories in the content directory (column 8, lines 23-40).

Regarding **claim(s) 8**, Chen discloses the content directory features a plurality of categories, such that the user application is associated with a plurality of the categories and such that the user browses for the user application through a plurality of paths of the content directory (column 8, lines 55-61).

Regarding **claim(s) 9**, Chen discloses a service package for determining whether the user application is retrievable by the limited resource device is associated with at least one category (column 9, lines 4-12).

Regarding **claim(s) 10**, Chen discloses the node features at least one attribute for performing at least one of delivering the user application to the limited resource device, searching for user applications through the content directory and filtering user applications (column 9, lines 4-12).

Regarding **claim(s) 11**, Chen discloses the filtering is performed at least for determining whether the user application may be provided to the limited resource device (column 8, lines 41-55).

Regarding **claim(s) 12**, Chen discloses the filtering is performed according to at least one of supported types of limited-resource devices, languages and user eligibility for content (column 8, lines 41-55).

Regarding **claim(s) 13**, Chen discloses the filtering is performed for personalizing the content directory for display to the user (column 8, lines 55-61).

Regarding **claim(s) 14 and 23**, Chen discloses the user application is created in a plurality of flavors, each flavor being associated with a particular type of limited resource device (column 8, lines 41-55).

Regarding **claim(s) 15**, Chen discloses each flavor features at least one of an attribute for defining at least one supported type of limited resource devices and an attribute for defining at least one supported language of the flavor (column 8, lines 41-55).

Regarding **claim(s) 17**, Chen discloses examining the user application includes validating at least one characteristic of the user application (column 8, lines 55-61).

Regarding **claim(s) 18**, Chen discloses if the user application is validated, examining the user application further includes testing at least one function of the user application (column 8, lines 41-55).

Regarding **claim(s) 19**, Chen discloses the user application is accepted only if the testing is successful (column 9, lines 13-27).

Regarding **claim(s) 20**, Chen discloses all the limitation of **claim(s) 20** as stated in **claim(s) 1'** s rejection and furthermore Chen discloses:

- (a) a limited resource device (3 on FIG. 1);
- (b) a content provider (column 5, lines 6-7); and
- (c) a service provider (4 on FIG. 1).

Regarding **claim(s) 21**, Chen discloses the service provider further comprises a plurality of components, each component providing a service to at least one of the limited resource device and the content provider, wherein the plurality of components is organized according to at least one of a distributed manner and an integrated platform (column 4, lines 1-14).

Regarding **claim(s) 22**, Chen discloses the plurality of components is organized in the integrated platform, the system further comprising at least one service provider component for providing a service to the limited resource device (column 4, lines 1-14).

Regarding **claim(s) 24 and 25**, Chen discloses all the limitations of **claim(s) 24 and 25** as stated in **claim(s) 1'** s rejection above and furthermore Chen discloses altering at least one function of the user application according to the at least one characteristic of the limited resource device (column 4, lines 36-54).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Palaniswamy et al. (US 6,591,095 B1).

Regarding **claim(s) 16**, Chen as applied to **claim(s) 15** above differs from **claim(s) 16** in that it fails to disclose the flavor is contained in a JAR (java archive) file.

However, Palaniswamy teaches the flavor is contained in a JAR (java archive) file (column 8, lines 50-57).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Chen by adding the flavor in a JAR (java archive) file as taught by Palaniswamy.

The modification will allow the system to provide administrative privileges such that the user would have administrative responsibilities.

Response to Arguments


8. Applicant's arguments with respect to **claim(s) 1-25** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

gg
October 28, 2005